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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Audrey Davis,

10 Plaintiff,

11 v.

12 Rhondie Voorhees, et al.,

13 Defendants.
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No. CV-21-08249-PCT-DLR

ORDER

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16 Before the Court is Plaintiff's motion for reconsideration of the Court's July 13,
17 2022 order. (Doc. 57.) Motions for reconsideration should be granted only in rare
18 circumstances. *Defenders of Wildlife v. Browner*, 909 F. Supp. 1342, 1351 (D. Ariz. 1995).
19 A motion for reconsideration ordinarily will be denied "absent a showing of manifest error
20 or a showing of new facts or legal authority that could not have been brought to its attention
21 earlier with reasonable diligence." LRCiv 7.2(g). Further, the motion must "point out with
22 specificity the matters that the movant believes were overlooked or misapprehended by the
23 Court, any new matters being brought to the Court's attention for the first time and the
24 reasons they were not presented earlier, and any specific modifications being sought in the
25 Court's Order." *Id.* Finally, "[n]o motion for reconsideration . . . may repeat any oral or
26 written argument made by the movant in support of or in opposition to the motion that
27 resulted in the Order." *Id.* The court may deny a motion for reconsideration if it fails to
28 comply with these rules. *Id.*

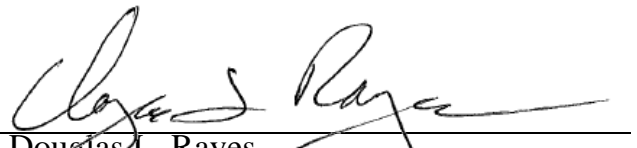
1 Here, Plaintiff has neither made a showing of manifest error nor presented the Court
2 with new facts or legal authority that could not have been brought to its attention earlier
3 with reasonable diligence. Rather, Plaintiff repeats arguments that the Court previously
4 considered and rejected. Plaintiff's mere disagreement with the Court's prior order is an
5 insufficient basis for reconsideration. *See Leong v. Hilton Hotels Corp.*, 689 F. Supp. 1572,
6 1573 (D. Haw. 1988).

7 A theme running through the motion to reconsider is that the Court made definitive
8 findings as to whether Defendant is a private, rather than limited public, figure and whether
9 the allegedly defamatory statements were factual in nature, rather than opinion. This is a
10 misreading. On a Rule 12(b)(6) motion, the Court can only review the four corners of the
11 pleading and must draw all inferences in favor of the nonmovant. *Cousins v. Lockyer*, 568
12 F.3d 1063, 1067 (9th Cir. 2009). From this vantage, all the Court found was that the
13 counterclaim plausibly alleged that Defendant is a private figure and that Plaintiff made
14 statements of fact. That something is plausibly alleged at the pleading stage does not make
15 it definitively so. Plaintiff is free to re-press her arguments at a later stage, when more than
16 the sufficiency of the pleading is at issue. Accordingly,

17 **IT IS ORDERED** that Plaintiff's motion for reconsideration (Doc. 57) is **DENIED**.

18 Dated this 11th day of August, 2022.

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Douglas L. Rayes
United States District Judge